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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,477	02/26/2004	Richard D. Dettinger	ROC920040002US1	7008
46797 7590 07/16/2007 IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER DARNO, PATRICK A	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/787,477

Applicant(s)

DETTINGER ET AL.

Examiner

Patrick A. Darno

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 and 04 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. No new claims have been added. No claims have been amended. Claims 1-30 are pending in this office action.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,366,915 issued to Amy Rubert et al. (hereinafter "Rubert") in further view of U.S. Patent Application Publication Number 2003/0172082 issued to Jeffrey Benoit et al. (hereinafter "Benoit").

#### **Claim 1:**

Rubert discloses a computer-implemented method for scheduling execution of units of work, comprising:

determining a cost to execute a unit of work (*Rubert: column 14, lines 4-14; The Rubert reference clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query. Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a query is well known in the art in paragraph [0034] of the Applicant's specification.*);

determining a plurality of scheduling options for future execution of the unit of work on the basis of the cost (*Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; Note particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.*), wherein

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determining the plurality of scheduling options comprises restricting a larger set of scheduling options to the determined scheduling options, whereby the scheduling options available for selection by a user are restricted as a result of the determined cost (*Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36*).

Rubert does not explicitly disclose wherein the query scheduling options are user-selectable; and returning the plurality of user-selectable scheduling options to a user interface for display to a user. However, Benoit discloses wherein the query scheduling options are user-selectable (*Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9*); and returning the plurality of user-selectable scheduling options to a user interface for display to a user (*Benoit: Fig. 9*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval (*Benoit: paragraph [0016], lines 1-5 and Fig. 9*).

**Claim 2:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Rubert further discloses wherein the unit of work is a query (*Rubert: column 2, lines 57-61*).

**Claim 3:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Rubert further discloses wherein the unit of work is an analysis routine (*Rubert: column 2, lines 57-61; A query is an analysis routine. The Applicant clearly defines an analysis routing in paragraph*

[0026], lines 29-32 of the Applicant's Specification. This definition states that an analysis routine is "any unit of work performed with respect to the data in the database". Surely a query is a unit of work performed with respect to the data in the database.).

**Claim 4:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Benoit further discloses displaying the returned plurality of user-selectable scheduling options to user via a menu in the user interface (Benoit: Fig. 9, 904).

**Claim 5:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Benoit further discloses:

receiving a user selection from the plurality of user-selectable scheduling options (Benoit: paragraph [0045] and Fig. 9, 904; Note specifically "execute automatically at a frequency set by the user". Surely there is some means to receive a user selection is the user uses the interface menu to 'set' a schedule of execution of a query.); and

storing a schedule for the unit of work on the basis of the user selection (Benoit: paragraph [0045], lines 1-3).

**Claim 6:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Benoit further discloses:

receiving a user selection from the plurality of user selectable scheduling options (Benoit: paragraph [0045] and Fig. 9, 904; Note specifically "execute automatically at a frequency set by the user". Surely

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*there is some means to receive a user selection is the user uses the interface menu to 'set' a schedule of execution of a query.);*

storing a schedule for the unit of work on the basis of the user selection (*Benoit: paragraph [0045], lines 1-3*); and

repetitively executing the unit of work on the basis of the schedule (*Benoit: paragraph [0016], lines 3-5*).

**Claim 7:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Rubert further discloses determining the cost to execute the unit of work comprises estimating a time required to execute the unit of work (*Rubert: column 14, lines 4-14; A high-impact query is a query with a high cost. One means of determining a high cost is amount of time it takes a query to run. Furthermore it is important to note the Applicant admitted that the estimation of the cost of a query is 'well-known' in the art in paragraph [0034] of the Applicant's Specification.*).

**Claim 8:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Rubert further discloses wherein determining the cost to execute the unit of work is done on the basis of historical query execution times for previous executions of the unit of work (*Rubert: column 14, lines 4-14; Note specifically that the Rubert reference analyzes the 'empirical timing' of queries. The 'empirical timing' is an analysis of historical time values.*).

**Claim 9:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as note above, and Benoit further discloses wherein determining the plurality of user-selectable

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scheduling options selecting a subset of user-selectable scheduling options from a predefined set of user-selectable scheduling options (*Benoit: paragraph [0045] and Fig. 9, 904; When the user selects a scheduling option in the Benoit reference, the user clearly selects a subset (at least one) from a menu full of user-selectable scheduling options.*).

**Claim 10:**

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted above, and Rubert further discloses:

determining user parameters specific to the user (*Rubert: column 4, lines 8-19*); and

determining the plurality of scheduling options for future execution of the unit of work on the basis of the cost and the user parameters (*Rubert: column 4, lines 8-19 and column 10, lines 57-column 11, line 4 and column 2, lines 26-36; The user parameters are considered at the beginning of the query scheduling process.*).

Rubert does not explicitly disclose wherein the query scheduling options are user-selectable. However, Benoit discloses wherein the query scheduling options are user-selectable (*Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval (*Benoit: paragraph [0016], lines 1-5 and Fig. 9*).

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**Claim 11:**

The combination of Rupert and Benoit discloses all the elements of claim 10, as noted above, and Rupert further discloses wherein the user parameters include at least one of a user status of the user and other units of work already scheduled for execution by the user (*Rupert: column 4, lines 8-19 and column 10, lines 57-67; The first reference considers the users status when the system determines is the user has access to a certain database. And the second reference clearly shows that the system considers the units of work (queries) that are already scheduled.*).

**Claim 12:**

A computer-implemented method for scheduling units of work, comprising:

determining a cost to execute a unit of work (*Rupert: column 14, lines 4-14; The Rupert reference clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query. Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a query is well known in the art in paragraph [0034] of the Applicant's specification.*);

determining a system availability to execute the unit of work (*Rupert: column 14, lines 4-14 and column 2, lines 26-36*);

determining a plurality of scheduling options for future execution of the unit of work on the basis of the cost and system availability (*Rupert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; Note particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.*), wherein determining the plurality of scheduling options comprises restricting a larger set of scheduling options to the determined scheduling options, whereby the scheduling options available for selection by a user are restricted as a result of the determined cost (*Rupert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36*).



Rubert does not explicitly disclose wherein the query scheduling options are user-selectable; and returning the plurality of user-selectable scheduling options to a user interface for display to a user. However, Benoit discloses wherein the query scheduling options are user-selectable (*Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9*); and returning the plurality of user-selectable scheduling options to a user interface for display to a user (*Benoit: Fig. 9*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval (*Benoit: paragraph [0016], lines 1-5 and Fig. 9*).

**Claim 13:**

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Rubert further discloses wherein determining system availability to execute the unit of work comprises accessing a query schedule having entries defined for a plurality of different units of work (*Rubert: column 4, lines 4-7 and column 14, lines 4-14 and column 2, lines 26-36; Surely if the system executes a scheduled query, the system accesses a query schedule.*).

**Claim 14:**

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Benoit further discloses:

receiving a user selection from the plurality of user selectable scheduling options (*Benoit: paragraph [0045] and Fig. 9, 904; Note specifically "execute automatically at a frequency set by the user". Surely*

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*there is some means to receive a user selection is the user uses the interface menu to 'set' a schedule of execution of a query.);*

storing a schedule for the unit of work on the basis of the user selection (*Benoit: paragraph [0045], lines 1-3*); and

repetitively executing the unit of work on the basis of the schedule (*Benoit: paragraph [0016], lines 3-5*).

**Claim 15:**

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Rubert further discloses wherein determining the cost to execute the unit of work comprises estimating a time required to execute the unit of work (*Rubert: column 14, lines 4-14; A high-impact query is a query with a high cost. One means of determining a high cost is amount of time it takes a query to run. Furthermore it is important to note the Applicant admitted that the estimation of the cost of a query is 'well-known' in the art in paragraph [0034] of the Applicant's Specification.*).

**Claim 16:**

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Rubert further discloses wherein determining the cost to execute the unit of work is done on the basis of historical query execution times for previous executions of the unit of work (*Rubert: column 14, lines 4-14; Note specifically that the Rubert reference analyzes the 'empirical timing' of queries. The 'empirical timing' is an analysis of historical time values.*).

**Claim 17:**

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Benoit further discloses wherein determining the plurality of user-selectable

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scheduling options selecting a subset of user-selectable scheduling options from a predefined set of user-selectable scheduling options (*Benoit: paragraph [0045] and Fig. 9, 904; When the user selects a scheduling option in the Benoit reference, the user clearly selects a subset (at least one) from a menu full of user-selectable scheduling options.*).

**Claim 18:**

Rubert discloses a computer readable storage medium containing a program which, when executed, performs an operation for scheduling execution of units of work, the operation comprising:

determining a cost to execute a unit of work (*Rubert: column 14, lines 4-14; The Rubert reference clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query. Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a query is well known in the art in paragraph [0034] of the Applicant's specification.*);

determining a plurality of scheduling options for future execution of the unit of work on the basis of the cost (*Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; Note particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.*), wherein determining the plurality of scheduling options comprises restricting a larger set of scheduling options to the determined scheduling options, whereby the scheduling options available for selection by a user are restricted as a result of the determined cost (*Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36*).

Rubert does not explicitly disclose wherein the query scheduling options are user-selectable; and returning the plurality of user-selectable scheduling options to a user interface for display to a user. However, Benoit discloses wherein the query scheduling options are user-

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selectable (Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9); and returning the plurality of user-selectable scheduling options to a user interface for display to a user (Benoit: Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval (Benoit: paragraph [0016], lines 1-5 and Fig. 9).

**Claim 19:**

The combination of Rubert and Benoit discloses all the elements of claim 18, as noted above, and Rubert further discloses:

determining system availability to execute the unit of work (Rubert: column 14, lines 4-14 and column 2, lines 26-36); and

determining a plurality of scheduling options for future execution of the unit of work on the basis of the cost and system availability (Rubert: column 10, lines 57-67 and column 2, lines 26-36; Note particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.).

Rubert does not explicitly disclose wherein the query scheduling options are user-selectable. However, Benoit discloses wherein the query scheduling options are user-selectable (Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such

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that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval (*Benoit: paragraph [0016], lines 1-5 and Fig. 9*).

**Claim 20:**

The combination of Rubert and Benoit discloses all the elements of claim 18, as noted above, and Benoit further discloses displaying the returned plurality of user-selectable scheduling options to user via a menu in the user interface (*Benoit: Fig. 9, 904*).

**Claim 21:**

Claim 21 is rejected under the same reasons set forth in the rejection of claims 10 and 11.

**Claim 22:**

Claim 22 is rejected under the same reasons set forth in the rejection of claim 5.

**Claim 23:**

Claim 23 is rejected under the same reasons set forth in the rejection of claim 6.

**Claim 24:**

Claim 24 is rejected under the same reasons set forth in the rejection of claim 7.

**Claim 25:**

Claim 25 is rejected under the same reasons set forth in the rejection of claim 8.

**Claim 26:**

Claim 26 is rejected under the same reasons set forth in the rejection of claim 9.

**Claim 27:**

Rubert discloses a computer system, comprising:

a schedule indicating when units of work are to be executed (*Rubert: column 10, lines 57-67*);

a scheduler configured to:

determine a cost to execute a unit of work (*Rubert: column 14, lines 4-14; The Rubert reference clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query. Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a query is well known in the art in paragraph [0034] of the Applicant's specification.*);

determine a plurality of scheduling options for repetitive execution of the unit of work on the basis of the cost (*Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; The first reference clearly shows that Rubert suggests scheduling queries so that they can run repetitively. The second reference clearly shows that future scheduling is based on how high the cost (high impact = high cost) of a query is.*), wherein determining the plurality of scheduling options comprises restricting a larger set of scheduling options to the determined scheduling options, whereby the scheduling options available for selection by a user are restricted as a result of the determined cost (*Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36*).

Rubert does not explicitly disclose wherein the query scheduling options are user-selectable; and returning the plurality of user-selectable scheduling unit of work to a user interface for display to a user. However, Benoit discloses wherein the query scheduling options are user-selectable (*Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9*); and returning the plurality of user-selectable unit of work to a user interface for display to a user (*Benoit: Fig. 3*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval (*Benoit: paragraph [0016], lines 1-5 and Fig. 9*).

**Claim 28:**

The combination of Rubert and Benoit discloses all the elements of claim 27, as noted above, and Rupert further discloses a database against which the units of work are executed (*Rubert: column 2, lines 57-64*).

**Claim 29:**

The combination of Rubert and Benoit discloses all the elements of claim 27, as noted above, and Rubert further discloses wherein the unit of work is query (*Rubert: column 2, lines 57-64*).

**Claim 30:**

The combination of Rubert and Benoit discloses all the elements of claim 27, as noted above, and Rubert further discloses wherein the unit of work is an analysis routine (*Rubert: column 2, lines 57-67; A query is an analysis routine. The Applicant clearly defines an analysis routing in paragraph [0026], lines 29-32 of the Applicant's Specification. This definition states that an analysis routine is "any unit of work performed with respect to the data in the database". Surely a query is a unit of work performed with respect to the data in the database.*).

***Response to Arguments***

**Applicant Argues:**

The Examiner nevertheless maintains a rejection. In the Final Office Action the Examiner attempts to provide elaboration on the basis for the rejection, in part by quoting a portion of Rubert (10:57-11:4) directed to how Rubert handles high-impact queries. Respectfully, the Examiner's analysis misses the point. The Examiner's position is premised on the assertion that Rubert teaches the claimed element at issue because Rupert requires a user to schedule a query for execution at a later time if the query is a high-impact query which cannot be accommodated at the current time. Respectfully, this position belies a gross misconstruction of Applicant's claims and suggests a misunderstanding of Rupert. Merely requiring a user to schedule a query for future execution because the query is a high-impact query is not at all the same as, or even suggestive of, determining user-selectable scheduling options (i.e., selecting a subset of scheduling options from a superset of scheduling options on the basis of the execution cost.).

Of particular importance, Applicant's point out that the same user interface button for scheduling query execution is shown in Figure 1 and Figure 2, and there is absolutely no teaching or suggestion that the options presented to the user upon clicking on the button vary depending on the cost of a given query being scheduled.

**Examiner Responds:**

Examiner is not persuaded. With all due respect, the Examiner disagrees with the Applicant's point of view regarding the Examiner's interpretation of both the Rupert reference and the Applicant's claimed invention. In fact, the Examiner remains extremely confident that the Examiner's interpretation of both the cited references and the Applicant's claimed invention are indeed correct. This interpretation has been made clear on the record in the Examiner's previous Office Actions, and will not be regurgitated here. Consult the Examiner's Office Actions mailed 09/25/2006 and 04/03/2007, if needed, to become up to date on the Examiner's position.

The real issue at hand is the actual limitations that the Applicant is arguing. Very simply stated, the limitations that the Applicant is arguing are nowhere to be found in the Applicant's invention as claimed. There is NOTHING in the claim language to suggest the computer system may dynamically select different scheduling options each time it presents scheduling options to a user. There is NOTHING in the claim language to suggest that the query scheduling options are dynamically selected as a subset of a superset of query scheduling options resulting in different scheduling options being presented to the user. All that is required is restricting an original larger set of scheduling options to a set of determined user-selectable scheduling options. And these limitations are clearly found in the cited prior art in the preceding office action. Again, specific references will not be regurgitated here because the Examiner has made the record abundantly clear to date.



In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 'wherein the selected querying options can be different each time the scheduling options are presented to a user') are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Because the cited prior art either teaches or suggests each and every element of the Applicant's claimed invention, and due to the fact that no persuasive arguments have been presented to the contrary, the rejections given above maintained.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

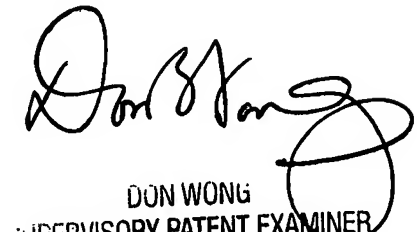
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno  
Examiner  
Art Unit 2163



PAD



DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100